IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Bail Appl..No. 7451 of 2006(B)

CMP.8585/2006 of J.M.F.C.-I,NEYYATINKARA
Crime no.490/06 of Neyyattinkara Police Station

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: PETITIONER/7TH ACCUSED:

BIJU, S/O.BABU,
VAYALINKARA PUTHEN VEEDU,
KANNAN KULATHOOR, NEAR PATHAMKALLU,
ATHIYANNOOR DESOM, ATHIYANNOOR VILLAGE,
AGE 41.

BY ADV. SRI.R.GOPAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
NEYYATINKARA POLICE STATION.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.

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B.A.No.7451 of 2006

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Dated this the 15th day of December, 2006.

ORDER

Petitioner, who is the 8th accused in Crime No.490 of 2006 of Neyyattinkara Police Station for offences punishable under Sections 120(B), 367 and 395 I.P.C., seeks his enlargement on bail. The occurrence took place on 26.6.2006 onwards. The petitioner was arrested on 7.10.2006.

2. The learned Public Prosecutor opposed the application.

3. The learned counsel for the petitioner relied upon Annexures B,D and E wound certificate and medical certificates to contend for the position that the petitioner was extensively tortured by the police and his condition was very bad and he had developed urinary infection.

4. In Annexures D and E medical reports, it is observed that the patient was malingering and showing hysterical reaction.

5. The case of the prosecution is that the accused persons pursuant to the conspiracy hatched by them had kidnapped the husband of the defacto complainant and had ill-treated him and he was robbed of his personal assets. The other accused persons in the case were arrested due to the default on the part of the prosecution in lodging the final report.

Even on medical grounds, I am not inclined to grant bail to the petitioner. This petition is accordingly dismissed.

V.Ramkumar,
Judge.

ess 15/12